

EXHIBIT 4



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December 3, 2019

VIA E-MAIL/RBurgoyne@perkinscoie.com

Robert A. Burgoyne, Esq.
Perkins Coie
700 13th Street, NW
Suite 600
Washington, D.C. 20005-3960

Re: Berger v. NBME
No. 19-cv-00099

Dear Bob:

I am writing to you regarding some very concerning news about the implementation of Mr. Berger's accommodations. It appears that due to either NBME's failure to properly report the complete accommodations to Prometrics or Prometrics' systems failures, Mr. Berger was not able to take the examination on November 18 and 19.

Mr. Berger contacted Prometrics several days prior to the scheduled November 18 and 19 examination to ensure that his accommodations were all set for his testing. He was advised by Prometrics that the accommodations profile showed double time but did not include 30 minute off-the-clock rest breaks for each day as stated on Mr. Berger's accommodations letter. Prometrics indicated that the information they received from NBME does not reflect any other accommodation other than double extended time. Prometrics advised that they could not do anything to assist Mr. Berger and that NBME would need to provide updated information about the proper accommodations. Given the limited time available at that juncture, Prometrics suggested that Mr. Berger reschedule his exam in order to straighten out the accommodations issue. Accordingly, Mr. Berger is now scheduled to take the exam on December 27 and 28, 2019.

Mr. Berger has encountered numerous delays and road blocks from NBME and its affiliates in scheduling his examination with the court ordered accommodations. It took a week after the court order, for NBME to issue its accommodations letter. It took ECFMG nearly three weeks to issue its permit for Mr. Berger to take the USMLE Step 2 CK. While Mr. Berger called Prometrics on October 2, 2019 to confirm his accommodations and schedule the exam, he was not able to get an exam date until November 18 and 19. This latest misstep, Prometrics advised that NBME did not place the complete approved accommodations in Prometrics' system.

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We do not have access to the systems to gain an understanding why this latest mishap occurred. What is clear is that Mr. Berger's testing has been delayed due to no fault of his own and his ability to gain entry to a residency program for the Spring 2020 is seriously compromised.

Moving forward, we request that NBME ensure that it properly reports to Prometrics the full and complete accommodations that the Court has ordered and to proactively follow up with its affiliate to ensure that Mr. Berger's accommodations are implemented with fidelity.

We look forward to your response.

Very truly yours,

/s/
Charles Weiner

cc: August T. Janszen, Esq.
Brendan Berger